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Attorneys for Correct Care Solutions, LLC,  
and Wellpath, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DOUGLAS DWAYNE NELSON, an  
individual,

Plaintiff,

vs.

COLUMBIA COUNTY SHERIFF'S OFFICE,  
a department of Columbia County,  
COLUMBIA COUNTY, a political  
subdivision of the state of Oregon, CORRECT  
CARE SOLUTIONS, LLC, a Tennessee  
corporation, MDX-MDL HOLDINGS, LLC,  
dba TRIDENTCARE AND SCHRYVER  
MEDICAL, Maryland corporations, and  
ELLIOTT JAY WAGNER, M.D., an  
individual,

Defendants.

3:20-cv-01906-BR

**DEFENDANT CORRECT CARE  
SOLUTIONS, LLC'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
PLAINTIFF'S COMPLAINT**

**JURY TRIAL REQUESTED**

Defendant Correct Care Solutions, LLC, (“CCS”), now known as Wellpath, LLC (“Wellpath”) (collectively “answering defendant”), answers plaintiff’s first amended complaint as follows:

**ANSWER TO COMPLAINT**

1.

Answering defendant denies every allegation in the first amended complaint, except as expressly admitted or alleged below.

2.

Paragraph 1 of the first amended complaint is not addressed to answering defendant, so no response is required.

3.

As to paragraph 2 of the first amended complaint, answering defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations.

4.

Paragraphs 3, 4, and 5 of the first amended complaint are not addressed to answering defendant, so no response is required.

5.

In response to paragraph 6 of the first amended complaint, answering defendant admits only that CCS was under contract with Columbia County to provide medical care to patients in custody at the Columbia County jail in 2018.

6.

In response to paragraph 7 of the first amended complaint, answering defendant admits that CCS was a Kansas limited liability company authorized to do business in the State of Oregon with a registered agent in the state of Oregon.

7.

Answering defendant denies the allegations in paragraph 8 of the first amended complaint.

8.

The allegations in paragraph 9 of the first amended complaint are not directed to answering defendant, so no response is required.

9.

As to paragraph 10 of the first amended complaint, answering defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations.

10.

As to paragraph 11 of the first amended complaint, answering defendant admits only that CCS had contracted with Columbia County to provide medical care to patients in custody at Columbia County jail. Except as admitted, answering defendant denies the allegations.

11.

As to paragraph 12 of the first amended complaint, to the extent the allegations are directed to CCS, answering defendant admits only that the documents plaintiff refers to speak for themselves, so no additional response is required.

12.

As to the allegations in paragraphs 13 and 14 of the first amended complaint, answering defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations.

13.

As to paragraph 15 of the first amended complaint, answering defendant admits and denies as alleged above in response to paragraphs 1 through 14.

14.

The allegations in paragraph 16 of the first amended complaint are not directed to answering defendant, so no response is required.

15.

As to paragraph 17 of the first amended complaint, answering defendant admits and

denies as alleged above in response to paragraphs 1 through 16.

16.

The allegations in paragraph 18 of the first amended complaint are not directed to answering defendant, so no response is required.

17.

As to paragraph 19 of the first amended complaint, answering defendant admits and denies as alleged above in response to paragraphs 1 through 18.

18.

To the extent they are directed to CCS, answering defendant denies the allegations in paragraph 20 of the first amended complaint.

19.

As to paragraph 21 of the first amended complaint, answering defendant admits and denies as alleged above in response to paragraphs 1 through 20.

20.

To the extent they are directed to CCS, answering defendant denies the allegations in paragraphs 22, 23 and 24 of the first amended complaint.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

21.

Plaintiff's complaint fails to state a claim for which relief may be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

22.

Answering defendant is entitled to immunity and/or qualified immunity.

#### **THIRD AFFIRMATIVE DEFENSE**

23.

Answering defendant is entitled to all defenses, limitations, immunities, and protections

set forth in the Oregon Tort Claims Act, ORS 30.260, et. seq.

**DEMAND FOR JURY TRIAL**

24.

Answering defendant requests a jury trial.

**PRAYER FOR RELIEF**

25.

WHEREFORE, answering defendant requests relief as follows:

- a. Judgment in its favor;
- b. Its costs and disbursements incurred herein;
- c. Its fees and expert fees pursuant to 42 U.S.C. § 1988 or as otherwise allowed by law.

DATED this 12<sup>th</sup> day of November, 2020.

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